



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

August 3, 2009

Michael J. Noll

REDACTED

Re: Warning Letter - FPPC No. 05/225, Michael J. Noll

Dear Mr. Noll:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act")¹. As you may be aware, on April 8, 2005, we received a complaint alleging that as a member of the city council for the City of Signal Hill you violated the conflict of interest and disclosure provisions of the Act. The complaint also alleged that you violated the Brown Act and Election Code. I write to inform you that we have concluded our review, and to advise you the Commission has decided to close this case with this warning letter.

The Commission does not have jurisdiction over Brown Act or Elections Code violations. In addition, we are unable to prosecute violations of the Act which occurred more than five years ago, due to the statute of limitations. The violations remaining in this matter relate to the nondisclosure of your real property interests on your Statements of Economic Interests ("SEI's") for the years from 2004 through 2007.

Under Section 87203, members of city councils are required to file an annual SEI at a time specified by Commission regulations, disclosing their investments, interests in real property, and income. Pursuant to Regulation 18723, subdivision (b)(2), April 1 is the filing deadline for annual SEI's of members of city councils. Interests in real property must be reported by a public official if it is valued at \$2,000 or more during the reporting period and is located in the agency's jurisdiction. (Section 82033; Regulation 18230.) For local agencies, an interest in real property is located in the jurisdiction if any part of the property is located in, or within two miles of, the region, city, county, district, or other geographical area in which the agency has jurisdiction, or if the property is located within two miles of any land owned or used by the agency. (Section 82035.) The jurisdiction is the city for elected city officers.

As a City of Signal Hill City Council Member, you are required to file annual SEI's by April 1 each year disclosing all your interests in real property valued at \$2,000 or more, which are located in the City of Signal Hill or within two miles of the city. For the years from 2004 through 2007 you failed to disclose your 100% interest in the real properties located at 213 and 215 Belmont Avenue, Long Beach

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Mr. Noll
August 3, 2009
Page 2


California, and your 50% interest in the real property located at 1415 Appleton Avenue, Long Beach California. Each of these properties is valued at more than \$2,000. While these properties have Long Beach addresses, according to the assessor's maps they are located within two miles of the boundaries of the City of Signal Hill, and are therefore located within the jurisdiction of the City of Signal Hill. Accordingly, it appears that you violated the disclosure provisions with respect to the SEI filings for the years from 2004 through 2007 in which you failed to disclose all of your reportable real property interests.

However, based on the fact that: 1) the properties in question had Long Beach addresses; 2) you were apparently unaware of the definition of jurisdiction and the two mile extension rule; 3) the properties were over two miles from the boundaries of the City of Signal Hill based on your Google and MapQuest searches; 4) you filed amended SEI's containing the accurate information on April 28, 2008; 5) none of the properties came before you as a city councilmember for decisions, and although you had a non-delegable duty to understand and abide by the provisions of the Act, we have determined not to prosecute you, and have closed our file in this matter.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on future conduct or newly discovered information. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or manuals, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov. If you have any questions regarding this letter or our resolution of this matter, please contact me at (916) 322-5660.

Sincerely,


Margaret E. Figueroa
Commission Counsel
Enforcement Division